

By: Nelson

S.B. No. 423

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to the flexible response system for investigations of  
3 child abuse or neglect reports by the Department of Family and  
4 Protective Services.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

6 SECTION 1. Section 261.3015, Family Code, is amended to  
7 read as follows:

8 Sec. 261.3015. FLEXIBLE RESPONSE SYSTEM. (a) In assigning  
9 priorities and prescribing investigative procedures based on the  
10 severity and immediacy of the alleged harm to a child under Section  
11 261.301(d), the department shall establish a flexible response  
12 system to allow the department to make the most effective use of  
13 resources to investigate and respond to reported [~~by investigating~~  
14 ~~serious~~] cases of abuse and neglect.

15 (b) Notwithstanding Section 261.301, the department may, in  
16 accordance with this section and department rules, conduct an  
17 alternative response to a report of abuse or neglect if the report  
18 does not:

19 (1) allege sexual abuse of a child;

20 (2) allege abuse or neglect that caused the death of a  
21 child; or

22 (3) indicate a risk of serious physical injury or  
23 immediate serious harm to a child.

24 (c) The department may administratively close a reported

1 case of abuse or neglect without completing the investigation or  
2 alternative response and without providing services or making a  
3 referral to another entity for assistance [~~and by screening out~~  
4 ~~less serious cases of abuse and neglect~~] if the department  
5 determines, after contacting a professional or other credible  
6 source, that the child's safety can be assured without further  
7 investigation, response, services, or assistance.

8 (d) In determining how to classify a reported case of abuse  
9 or neglect under the flexible response system, the child's safety  
10 is the primary concern. [~~The department may administratively close~~  
11 ~~the less serious cases without providing services or making a~~  
12 ~~referral to another entity for assistance.~~

13 [~~(a-1) For purposes of Subsection (a), a case is considered~~  
14 ~~to be a less serious case of abuse or neglect if the circumstances~~  
15 ~~of the case do not indicate an immediate risk of abuse or neglect~~  
16 ~~that could result in the death of or serious harm to the child who is~~  
17 ~~the subject of the case.~~

18 [~~(b)~~] The classification [~~under the flexible response~~  
19 ~~system~~] of a case may be changed as warranted by the circumstances.

20 (e) An alternative response to a report of abuse or neglect  
21 must include:

22 (1) a safety assessment of the child who is the subject  
23 of the report;

24 (2) an assessment of the child's family; and

25 (3) in collaboration with the child's family,

26 identification of any necessary and appropriate service or support

27 to reduce the risk of future harm to the child.

1        (f) An alternative response to a report of abuse or neglect  
2 may not include a formal determination of whether the alleged abuse  
3 or neglect occurred.

4        (g) [~~e~~] The department may implement the alternative  
5 [flexible] response in one or more of the department's  
6 administrative regions before implementing the system statewide  
7 [system by establishing a pilot program in a single department  
8 service region]. The department shall study the results of the  
9 system in the regions where the system has been implemented  
10 [region] in determining the method by which to implement the system  
11 statewide.

12        SECTION 2. Not later than December 1, 2013, the executive  
13 commissioner of the Health and Human Services Commission shall  
14 adopt the rules necessary to implement Section 261.3015, Family  
15 Code, as amended by this Act.

16        SECTION 3. This Act takes effect September 1, 2013.